

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DOMINIC ROBIDOUX, by his mother *
DMITRIA ROBIDOUX, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 07-576V
Special Master Christian J. Moran

Filed: October 23, 2009¹

attorney's fees and costs, award in
the amount to which respondent has
not objected, guardianship costs.

UNPUBLISHED DECISION²

Lisa A. Roquemore, Esq., Broker & Associates, PC, Irvine, CA, for Petitioner;
Lisa A. Watts Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner, Dmitria Robidoux, on behalf of her son, Dominic Robidoux, filed an application for attorneys' fees and costs on October 2, 2009. After informal discussions with respondent, Ms. Robidoux revised her request. Ms. Robidoux's revised request for attorneys' fees and costs are as follows:

¹The Clerk's Office is ordered to strike the prior decision, filed as document 45, and replace it with this document.

² Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access.

42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

- Attorneys' fees in the amount of **\$31,958.00** and costs of **\$4,591.44** for a total of **\$36,549.44** made payable to McQueen & Ashman, LLP;
- Attorneys' fees in the amount of **\$24,535.64** and costs of **\$149.73** for a total of **\$24,685.37** made payable to Broker & Associates, P.C.;
- Reimbursement of Liz Holakiewicz, petitioner's life care planer/unreimbursed litigation fees in the amount of **\$8,100.00** and **\$120.28** in costs for a total of **\$8,220.28**.
- Petitioner's litigation costs in the amount of **\$1,967.43**.

During a status conference on October 20, 2009, respondent stated that she had no objection to the above-stated amount for attorneys' fees and costs.

However, the respondent objected to one item of cost – \$4,920.51 for time incurred by Steven Beltran, the attorney retained to establish a guardianship. This cost is reasonable. See Childers v. Sec'y of Health & Human Servs., No. 96-194V, 1999 WL 514041 (Fed. Cl. Spec. Mstr. June 11, 1994); but see Mol v. Sec'y of Health & Human Servs., No. 96-549V, 2001 WL 1344029 (Fed. Cl. Oct. 15, 2001).

After reviewing the request, the undersigned finds all the requested amounts from petitioner to be reasonable. Thus, petitioner is awarded all her attorneys' fees and other litigation costs. Those fees and costs are awarded as follows:

1. **A lump sum payment of \$69,455.09 in the form of a check made payable to petitioner and petitioner's attorney Lisa A Roquemore; and**
2. **A lump sum payment of \$6,887.94 in the form of a check made payable to petitioner.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.